

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 27, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Vice Chair Christensen; Council Members: Camp, Eskridge, Fellers, Lamm, Raybould; Absent: Council Chair Gaylor Baird; City Clerk: Teresa Meier.

Council Vice Chair Christensen announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

FELLERS Having been appointed to read the minutes of the City Council proceedings of June 20, 2016, reported having done so, found same correct.

Seconded by Lamm & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

PUBLIC HEARING

APPOINTING JOHN SINCLAIR TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2019 - John Sinclair, 1318 Three Pines Court, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF BES AND BELLAS, LLC DBA FLORIO'S FOR A CLASS I LIQUOR LICENSE AT 7300 SOUTH 13TH STREET; (6/20/16 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 6/27/16)
MANAGER APPLICATION OF BESMIR GJOKA FOR BES AND BELLAS, LLC DBA FLORIO'S AT 7300 SOUTH 13TH STREET. (6/20/16 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 6/27/16) - Besmir Gjoka, 4829 S. 106 Circle, came forward to take the oath and requested approval.

Cyndi Lamm, Council Member, asked if Mr. Gjoka had taken the liquor class.

Mr. Gjoka confirmed he had not taken it yet, but still planned to take the class.

This matter was taken under advisement.

APPLICATION OF MORNING BREW CONCEPTS, LLC DBA SUITE ONE ELEVEN FOR A CLASS I LIQUOR LICENSE AT 6891 A STREET, SUITE 111;

MANAGER APPLICATION OF JEFFREY B. COFFEY FOR MORNING BREW CONCEPTS, LLC DBA SUITE ONE ELEVEN AT 6891 A STREET, SUITE 111 - Jeffrey Coffey, 6891 A Street, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF ZOO BLUES, INC. DBA ZOO BAR FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 438 FEET BY 267 FEET AT 14TH STREET BETWEEN O AND P STREETS ON JULY 8, 2016 FROM 4:00 P.M. TO 1:00 A.M. AND JULY 9, 2016 FROM 2:00 P.M. TO 1:00 A.M. - Pete Watters, 2735 Everett Street, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 72 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 ON JULY 16, 2016 FROM 1:00 P.M. TO 9:00 P.M. - Kelly Houchen, 726 Elmwood Avenue, came forward and requested approval.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1-15, 2016 - John Eslick, 7662 Glen Oaks Drive, came forward and stated during the snow season he was told to move his vehicles off the street to allow the streets to get plowed. The plow came over the curb and ripped out all of their sprinklers from one end of their property to the other end of the property. The estimates were sent into the City Attorney's office. The City Attorney's office sent a response back stating they were not liable for the damaged sprinklers. Mr. Eslick wants to maintain the property and keep the grass green, and finds that hard to do when the sprinklers have all been ripped out of the grass.

Jeff Kirkpatrick, City Attorney, came forward and shared this is a complaint that is received in the City Attorney's office on a frequent basis. There are two points to take into consideration: when damage is caused to the strip off the street, which is really City property within the right of way, whether the damage be to sprinklers or mailboxes the City is not liable under the City ordinance. Beyond that, snow removal is done by independent City contractors, and the records indicated in this case that the damage was not done by a City vehicle or City worker. In the denied claim letter that was sent to the Eslicks, it was specified the damage was caused by 1 of 2 contractors that were responsible for that neighborhood. If the Eslicks contact the contractors, they may be able to recover damages through the contractors insurance company.

Roy Christensen, Council Member, explained to Mr. Eslick that Mr. Kirkpatrick explained fully why the claim was denied.

Mr. Eslick added that his responsibility is to pay taxes to the City, not to a contracted plow company such as K-2. It is not his responsibility to try and get money back from them when he did not hire them to plow his street. Mr. Eslick feels it is the City's responsibility to seek the funds from K-2. It would have been cheaper to leave his car parked on the street and pay a parking ticket that he would have received instead of repairing his sprinklers, which according to the estimate is almost \$400. This comes down to a fairness issues, and it is unfair that the property owner has to track down the City's contractors.

Jon Camp, Council Member, inquired if there is ever a situation when the City tries to seek funds from the contractor regarding a claim.

Mr. Kirkpatrick confirmed he is unaware of an individual having a problem with the contracted company and them being unresponsive. If there were a situation where a contractor was rude and unresponsive, the City Attorney's office might feel an obligation to intervene because the City is contracting with them, and they are doing work for the City. If a K-2 truck driver was going down the street, and lost control of the truck and ran into a vehicle, the vehicle owner could not come to the City and try and hold them liable for damages to the vehicle. Unfortunately, the sprinklers are held to that same standard. If K-2 was the contractor who ripped up the sprinklers, they are at fault for negligence and have insurance to cover those damages.

Mr. Camp stated he would like to see the contractors being held responsible as there are many situations like this.

Trent Fellers, Council Member, asked how does the City work with citizens when it is a City contractor on any other case, other than snow removal.

Mr. Kirkpatrick stated there are rare circumstances when a contractor is problematic to deal with and the City Attorney will intervene because in some cases, not all cases, but some cases the City Attorney has a little more leverage than the citizens. This complaint is fairly common because it is not easy in a blizzard to keep from running up the curb and causing some damage.

Mr. Fellers asked if the claim was denied by Council, and Mr. Eslick attempted to collect from K-2 and they were not willing to pay him, what would be his next option.

Mr. Kirkpatrick said City Attorney would be cooperative in helping identify what contractor caused the damage. In that event, the Citizen would not be dealing directly with the company, they would be dealing with the insurance company.

Cyndi Lamm, Council Member, inquired about contractors being shielded by the same ordinance that the City is shielded by.

Mr. Kirkpatrick confirmed contracted companies are not shielded by the same ordinance that the City is covered under. Discussion followed.

Mr. Eslick stated its frustrating he has to put forth all the work to try and contact K-2 or their insurance company for something the City set up. The estimate that Mr. Eslick received is just an estimate, and the ground has not even dug up the grass to see if the sprinklers were complete ripped out.

Mr. Christensen stated Council would appreciate it if the City Attorney would work closely with Mr. Eslick to attempt to get this resolved and help identify the company responsible, and to assist in contacting the company. While it would be easy for Council to do this, it would still set a precedent that would apply in many situations. This would cost every tax payer in Lincoln a lot more money in the long run so it would not be simpler to just do it. Discussion followed.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2016 ANNUAL ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME, AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS - David Landis, Urban Development Director, came forward and shared there are 2 levels of reporting to the Federal Government about what the department does with the Federal funds they have received. One is a long range 5 year plan and the other is an annual update; today's discussion is regarding the 1 year annual update. Urban Development gets money from 3 sources: Housing Urban Development, Community Development Block Grant, and the Community Development money. The Housing Urban Development also known as H.U.D, which can be money for homeless programs, which is \$148,000. The Community Development Block Grant, which is also known as CDBG This is for economic opportunity, which is for individuals in the Workforce Development and work done at the American Job Center. The Community Development money is \$172,000, and this money is for community crops, low and modern park and neighborhood improvements. Housing money is both CDBG and home funds from HUD. No major changes are required, but it is updated by data that changes over time, and specific appropriation.

Cyndi Lamm, Council Member, brought up a concern with the dates of September, 2015 through August, 2016 in the Executive Summary.

Mr. Landis confirmed the dates were incorrect and those would be fixed before sending the plan for further approval by HUD.

Ms. Lamm inquired about the documents specifying the projects cannot be done with just the funds received from the Federal Government. There did not seem to be indication that City funds would be needed for this plan.

Mr. Landis confirmed that the plan identifies more need than what the the department has money to satisfy. The City is not obligated to make up any difference. This plan only specifies how the Urban Development will spend the money recieved from HUD.

Carl Eskridge, Council Member, asked if the annual updates per year change.

Mr. Landis confirmed over time the emphasis comes more on housing than anything else. The number of staff available to do neighborhood development has diminished by about 5 positions. Discussion followed.

Mr. Eskridge asked if the funds have increased over time.

Mr. Landis explained from the beginning of the plan in 2013 to this current year, the total sum has gone up 3.8%, which is equivalent to under 1% per year.

This matter was taken under advisement.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND OTTO T RENTALS, LLC FOR THE SALE OF CITY OWNED PROPERTY FOR \$30,000 GENERALLY LOCATED AT 1515 & 1525 NORTH 15TH STREET - David Landis, Urban Development Director, came forward and explained these are 2 lots that were originally platted as 30 by 100, which is too small for a lot. Over the years they have been treated as 60 by 100, and that makes them 2 buildable lots. These lots have been owned by the City since the 1960's. The City paid \$19,000 for one piece of property and \$18,000 for the other piece of property. The foundation began to crumble and the homes that were on the lots were demolished a number of years ago. This has been identified as land that the City does not need and there is no purpose for this land. The City received an offer for \$15,000 for each lot and another offer for \$4,000 for each lot. The Real Estate Division stated normally land is about \$4 per square foot. However, this land is located in the flood plane and a workable basement will not work. It also means you have to put fill up to the level of the flood and have a flow through foundation. This can represent significant costs. The Real Estate Division gave an estimated cost of \$18,000 per lot. Urban Development would like to accept the offer for \$15,000 per lot.

This matter was taken under advisement.

ANNEXATION 16006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 7.88 ACRES OF PROPERTY GENERALLY LOCATED AT 7601 PINE LAKE ROAD; (RELATED ITEMS: 16-63, ~~16-65~~ 16-64, 16R-131)

CHANGE OF ZONE 16014 - APPLICATION OF HIGHWAY 2 DEVELOPMENT, LLC FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 7601 PINE LAKE ROAD; (RELATED ITEMS: 16-63, 16-64, 16R-131)

SPECIAL PERMIT NO. 16018 - APPLICATION OF HIGHWAY 2 DEVELOPMENT, LLC TO ALLOW THE CONSTRUCTION OF A RESIDENTIAL HEALTH CARE FACILITY FOR UP TO 120 RESIDENTS WITH AN ADJUSTMENT TO EXCEED THE MAXIMUM HEIGHT FROM 35 FEET TO 44 FEET, ON PROPERTY GENERALLY LOCATED AT 7601 PINE LAKE ROAD. (RELATED ITEMS: 16-63, 16-64, 16R-131) - Matt Hubel, Civil Engineer with Schemmer and Associates, 1044 N. 115th Street, Suite 300, Omaha, came forward representing Highway 2 LLC, and shared this plan is a result of discussions between the developers and City and the developers and the neighbors. The developers went through great lengths to meet with the neighbors and allow them to have a voice and understand what they intend to do with this land before they got too far along with the process. The proposed development is a senior living community consisting of 120 beds. This will consist of independent living and memory care. The architecture of the building is residential in nature to blend in with the surrounding area and to minimize the impact to the surrounding neighbors. The building will act as a noise barrier between the neighborhood and Highway 2. The building will consist of a pitch roof and it has been manipulated as much as they can to keep the overall height as low as possible. There will be extensive landscaping between the building and the existing properties.

Carl Eskridge, Council Member, inquired about access to the property.

Mr. Hubel confirmed, as part of the project, Old Pine Lake Road will be improved which consists of gravel. A cul-de-sac will also be built to city standards. The main entrance will be from the cul-de-sac down towards the facility and the service entrance will be in the back of the building.

This matter was taken under advisement.

APPROVING THE 48TH & HOLDREGE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 48TH STREET INVESTMENTS, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 48TH AND 49TH STREET, HOLDREGE AND AYLESWORTH FOR A NEW FIVE STORY BUILDING WITH FIRST FLOOR RETAIL AND FOUR STORIES OF RESIDENTIAL USE WITH APPROXIMATELY 98 APARTMENT UNITS; (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67)

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE ~~\$1,860,000~~ \$2,454,600 IN TIF FUNDS FOR THE 48TH & HOLDREGE PROJECT; (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE 48TH & HOLDREGE REDEVELOPMENT PROJECT; (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67)

STREET & ALLEY VACATION 16002 - VACATING THE NORTH-SOUTH ALLEY IN BLOCK 35 OF MILL'S SUBDIVISION OF BLOCKS 34 AND 35 TO UNIVERSITY PLACE, FROM THE NORTH LINE OF HOLDREGE STREET TO THE NORTH LINE OF THE EXISTING EAST-WEST ALLEY TO THE NORTH; AND VACATING THE EAST-WEST ALLEY IN SAID BLOCK 35, FROM THE WEST LINE OF 49TH STREET TO THE WEST LINE OF EXISTING NORTH-SOUTH ALLEY TO THE WEST; (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67)

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CHANGE OF ZONE 16016 - APPLICATION OF 48TH STREET DEVELOPMENT, LLC FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT, H-2 HIGHWAY DISTRICT, AND O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL BUSINESS DISTRICT; AND DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT DISTRICT, INCLUDING WAIVERS FOR STORM WATER DETENTION, BUILDING HEIGHT, SETBACKS, AND SCREENING AND LANDSCAPING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 48TH AND HOLDREGE STREETS. (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67) - David Landis, Urban Development Director, came forward and stated the design of the 5 story building is similar to the Downtown design standards. The back of the building that faces the east side has an area for outdoor dining and provides 190 parking stalls. This is more than is required for the amount of usage for the property. For retail space, they are utilizing 22,000 square feet and 98 housing units. The building front is on 48th Street and there will also be buffering on the back side of the building towards the neighborhood. The designer has reached out to the community from March, 2016 to present. EPCO and UPCO have also been brought into the discussions. The money for the project totals just under \$17 million and \$15 million is private funds. The remaining \$2.4 million is from TIF funds in a bond A and a bond B. Demolition is set to begin in July, 2016 and final construction is scheduled to be complete around August, 2017. The 2040 Comprehensive Plan identified a number of areas in the City that they thought were ready for redevelopment and on that list is 48th and Holdrege.

Tom Huston, Cline Williams, 233 S. 13th Street, Suite 1900, came forward and stated this is the third and final step of the project in regards to the City's process. The change in zones have to be cleaned up due to the number of zones that already exist in that area. The zones include a B1 zone, H2 zone and O2 zone that the developers are seeking to make consistent with the B3 planned unit development. The planned unit development, also known as the P.U.D., gives opportunity to ensure the development is consistent and respectful of the adjacent neighbors. The P.U.D requires the structure be built on the west edge of the property and is consistent with the Downtown design standards. The P.U.D also indicates there be no commercial use on the east half of the property at any point. The Redevelopment Agreement identifies the typical, eligible uses that are intended to use tax increment financing sums. The intended uses include site acquisition, facade treatment, right of way landscaping, and also includes the demolition and development for the site. The alley that currently exists will no longer be needed and that is why there is a request to vacate the alley. This also provides opportunity to remove the overhead power lines. This project represents a significant investment in Northeast Lincoln. The change of zone does have a motion to amend at Mr. Huston's request. Eventually, the property will have to be replatted and it will be replatted as 1 parcel. The ordinance requires it be replatted prior to building permits and the plat is not ready to be replatted at the moment. Construction is ready to be started and the amendment states prior to certificates of occupancy, instead of prior to building permits, that the property be replatted. The amendment was recommended for approval at the Planning Commission.

Carl Eskridge, Council Member, inquired about the change in the TIF amount from \$1,860,000 to \$2,454,600 and asked for clarification on the 2 separate TIF bonds.

Mr. Huston explained one of the biggest challenges when doing a tax increment financing project is first you have to try and identify all eligible usage and what the costs of the uses are. There is a constraint based on what amount the project will actually generate. It has to be projected what the evaluations will be after construction is complete. The County Assessor records were looked at and, based on similar properties, there are over \$2.4 million of eligible usage. But based on the current formulas that the County uses the evaluation would not generate more than \$1.8 million. It was sought for a bond A and a bond B to warrant the project moving forward. This allows the developer to be conservative and be careful when going through the process. But also ensures the opportunity is there to capture the eligible uses to extend the value increases because formulas do change by County Assessor's and things can alter. For example, a lot of the projects in Downtown Lincoln were under valued, but the formulas adjusted after a few years and equalized based upon the income approached values. The goal of the project was to size it correctly from the beginning.

Sara Joy Proppe, Schafer Richardson Project Manager, 900 N. 3rd Street, Minneapolis, came forward in support.

Jon Camp, Council Member, inquired about the size of the living units, targeted buyers for the units and pricing for the units.

Ms. Proppe confirmed the unit size ranges from about 570 square feet for the studios to about 1,200 square feet for the 2 bedrooms. They believe they will get a mix of individuals from young professionals, individuals starting new families, and people who could be looking to downsize from homes, but still want to stay in the neighborhood. The prices range from around \$700 to \$1,100. There are still some things that have to be worked out with management, but that is their target range.

Richard Halverson, 6311 Inverness Road, came forward and asked for clarification regarding the change in the amount from \$1,860,000 to \$2,454,600.

Mr. Eskridge confirmed the dollar amount on the agenda was incorrect and the amount of \$2,454,000 is what is in the ordinance and resolutions.

Mr. Huston explained the bond ordinance authorizes not to exceed \$2,454,600. The A note is sized at \$1.86 million, and the B note is around \$500,000. The B note will only be paid in the event the evaluation of the property increases because of a formula change by the County Assessor. There are eligible expenses in excess of \$2.4 million and that is why it has been sized with an A note and a B note. The B note is only paid if the value increases, and if it is not paid off in the 15th year it is forgiven without any further obligation. The extra funds only protects in the event there is a change in formula based on the income of the project. Discussion followed.

This matter was taken under advisement

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING JOHN SINCLAIR TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2019 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89814 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of John Sinclair to the Nebraska Capitol Environs Commission, for a term expiring January 9, 2019, is hereby approved.

Introduced by Cark Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

REAPPOINTING REBECCA HENDERSON, JIM JOHNSON, AND ARTHUR ZYGIELBAUM TO THE TELECOMMUNICATION/CABLE TELEVISION ADVISORY BOARD FOR TERMS EXPIRING JULY 1, 2019 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89815 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointments of Rebecca Henderson, Jim Johnson, and Arthur Zygielbaum to the Telecommunication/Cable Television Advisory Board for terms expiring July 1, 2019, are hereby approved.

Introduced by Cark Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

REAPPOINTING MELISSA FILIPI TO THE KENO/HUMAN SERVICES BOARD FOR A TERM EXPIRING DECEMBER 31, 2019 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89816 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Melissa Filipi to the Keno/Human Services Board for a term expiring December 31, 2019, is hereby approved.

Introduced by Cark Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

AMENDING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA TO PROVIDE SPECIFIC ENHANCEMENTS TO THE EXISTING FBST ONLINE FOOD HANDLER AND BEVERAGE SERVER/SELLER ALCOHOL TRAINING PROGRAM - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89817 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Interlocal Agreement approved by Resolution A-88918 between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the University of Nebraska-Lincoln Office of Online and Distance Education for licensing and hosting services for the training portal, City of Lincoln Online Food Handler training program, and City of Lincoln Server/Seller Alcohol training program, is hereby amended to include Addendum #2 upon the terms and conditions as set forth in said Addendum #2, which is attached hereto marked as Attachment "A" and made a part hereof by reference, and the Mayor is authorized to execute said Addendum #2 on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Addendum #2 to Judy Halstead, Director of the Lincoln-Lancaster County Health Department, for transmittal to the Board of Regents of the University of Nebraska.

Introduced by Cark Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JUNE 13, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RICHARD B. RIDGWAY FOR KWIK SHOP, INC., DBA KWIK SHOP #632 AT 3602 TOUZALIN AVENUE - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89818 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Richard B. Ridgway for Kwik Shop, Inc., dba Kwik Shop #632 at 3602 Touzalin Avenue.

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If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RICHARD B. RIDGWAY FOR KWIK SHOP, INC., DBA KWIK SHOP #634 AT 2940 NORTH 14TH STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89819 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Richard B. Ridgway for Kwik Shop, Inc., dba Kwik Shop #634 at 2940 North 14th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RICHARD B. RIDGWAY FOR KWIK SHOP, INC., DBA KWIK SHOP #635 AT 2330 NORTH 1ST STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89820 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Richard B. Ridgway for Kwik Shop, Inc., dba Kwik Shop #635 at 2330 North 1st Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RICHARD B. RIDGWAY FOR KWIK SHOP, INC., DBA KWIK SHOP #641 AT 2811 NORTH 48TH STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89821 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Richard B. Ridgway for Kwik Shop, Inc., dba Kwik Shop #641 at 2811 North 48th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RICHARD B. RIDGWAY FOR KWIK SHOP, INC., DBA KWIK SHOP #650 AT 5600 HOLDREGE STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89822 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Richard B. Ridgway for Kwik Shop, Inc., dba Kwik Shop #650 at 5600 Holdrege Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RICHARD B. RIDGWAY FOR KWIK SHOP, INC., DBA KWIK SHOP #663 AT 4400 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89823 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Richard B. Ridgway for Kwik Shop, Inc., dba Kwik Shop #663 at 4400 Cornhusker Highway.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RICHARD B. RIDGWAY FOR KWIK SHOP, INC., DBA KWIK SHOP #680 AT 1441 NORTH COTNER BLVD - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89824 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Richard B. Ridgway for Kwik Shop, Inc., dba Kwik Shop #680 at 1441 North Cotner Blvd.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF JASON R. JOHNSON FOR LINCOLN - P STREET CATERING CO., DBA EMBASSY SUITES AT 1040 P STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89825 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Jason R. Johnson for Lincoln - P Street Catering Co., dba Embassy Suites at 1040 P Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF DALE A. DAUENHAUER FOR WALMART STORES INC., DBA WALMART #2432 AT 2500 JAMIE LANE - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89826 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Dale A. Dauenhauer for Walmart Stores Inc., dba Walmart #2432 at 2500 Jamie Lane.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

LIQUOR RESOLUTIONS

APPLICATION OF BES AND BELLAS, LLC DBA FLORIO'S FOR A CLASS I LIQUOR LICENSE AT 7300 SOUTH 13TH STREET (6/20/16 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 6/27/16) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89827 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Bes and Bellas, LLC dba Florio's for a Class "I" liquor license at 7300 South 13th Street, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.
4. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

**REGULAR MEETING
JUNE 27, 2016
PAGE 680**

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

MANAGER APPLICATION OF BESMIR GJOKA FOR BES AND BELLAS, LLC DBA FLORIO'S AT 7300 SOUTH 13TH STREET. (6/20/16 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 6/27/16) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89828 WHEREAS, Bes and Bellas, LLC dba Florio's located at 7300 South 13th Street, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Besmir Gjoka be named manager; WHEREAS, Besmir Gjoka appears to be a fit and proper person to manage said business. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Besmir Gjoka be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

APPLICATION OF MORNING BREW CONCEPTS, LLC DBA SUITE ONE ELEVEN FOR A CLASS I LIQUOR LICENSE AT 6891 A STREET, SUITE 111 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89829 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Morning Brew Concepts, LLC dba Suite One Eleven for a Class "I" liquor license at 6891 A Street, Suite 111, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

MANAGER APPLICATION OF JEFFREY B. COFFEY FOR MORNING BREW CONCEPTS, LLC DBA SUITE ONE ELEVEN AT 6891 A STREET, SUITE 111 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89830 WHEREAS, Morning Brew Concepts, LLC dba Suite One Eleven located at 6891 A Street, Suite 111, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeffrey B. Coffey be named manager; WHEREAS, Jeffrey B. Coffey appears to be a fit and proper person to manage said business. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jeffrey B. Coffey be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

APPLICATION OF ZOO BLUES, INC. DBA ZOO BAR FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 438 FEET BY 267 FEET AT 14TH STREET BETWEEN O AND P STREETS ON JULY 8, 2016 FROM 4:00 P.M. TO 1:00 A.M. AND JULY 9, 2016 FROM 2:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89831 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zoo Blues, Inc. dba Zoo Bar for a special designated license to cover an outdoor area measuring approximately 438 feet by 267 feet at 14th Street between O and P Streets, Lincoln, Nebraska, on July 8, 2016, between the hours of 4:00 p.m. and 1:00 a.m. and July 9, 2016, between the hours of 2:00 p.m. and 1:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

APPLICATION OF ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 72 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 ON JULY 16, 2016 FROM 1:00 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89832 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zipline Brewing Co. for a special designated license to cover an outdoor area measuring approximately 36 feet by 72 feet at 2100 Magnum Circle, Suite 1, Lincoln, Nebraska, on July 16, 2016, between the hours of 1:00 p.m. and 9:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1-15, 2016 - PRIOR to reading:

ESKRIDGE Moved to Amend Bill No. 16R-128 in the following manner: On Line 11, the following claim should be removed from the list of DENIED CLAIMS:

David Harrison NAS

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption as amended:

A-89833 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated June 16, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

| <u>DENIED CLAIMS</u> | | <u>ALLOWED/SETTLED CLAIMS</u> | |
|---------------------------|-----------------|-----------------------------------|------------|
| Veronique Claudio | \$100,000.00 | Carlos Munguia Vazquez | \$4,835.00 |
| David Harrison | NAS* | Maxine Maret | 3,201.86 |
| Mikayla Martin | 3,200.00 | Joseph Straatmann & Briana Hooper | 120.00 |
| Lara Eslick | 390.00 | Kathy Soto-Day | 278.42 |
| Donald C. Cox | 472.75 | | |

WITHDRAWN CLAIM

* No Amount Specified Urology, P.C. \$577.93

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

APPROVING THE FISCAL YEAR 2016 ANNUAL ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME, AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89834

WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2016 Annual Action Plan: One Year Use of Funds outlining the activities and initiatives of Urban Development for Community Development Block Grant (CDBG), HOME, and Emergency Solutions Grant (ESG) entitlement funds from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and the McKinney-Vento Homeless Assistance Act of 1987; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2016 Action Plan, as prescribed in the Community Development Block Grant Regulations, the HOME Investment Partnerships Act Regulations and 24 C.F.R., Part 91, and the McKinney-Vento Homeless Assistance Act, including Title 24 C.F.R., Part 576.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the FY 2016 Action Plan, a copy of which is attached hereto, is hereby approved and the Mayor is authorized to submit the FY 2016 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2016 in the amount of \$2,676,772 (\$1,701,414 CDBG; \$830,622 HOME; and \$144,736 ESG) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations and HOME Investment Partnerships Act Regulations, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan and acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2016 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about -
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free work-place;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
 - d. Notifying the employee in the statement required by sub-paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -

- i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.

4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:

a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln, is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further, the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG and HOME funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2016 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's strategic housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2016 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d *et seq.*), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing, and abatement procedures concerning lead-ased paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable laws.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2016 Action Plan that:

1. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

2. Before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the Emergency Solutions Grant (ESG) program portion of the FY2016 Action Plan that:

1. If either the cost of an emergency shelter's rehabilitation or the cost to convert a building into an emergency shelter exceed 75 percent of the value of the building before rehabilitation, the City will maintain the building as a shelter for homeless individuals and families for a minimum of ten (10) years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation or conversion;

2. In all other cases where ESG funds are used for renovation, the City will maintain the building as a shelter for homeless individuals and families for a minimum of three (3) years after the date the building is first occupied by a homeless individual or family after the completed renovation;

3. In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the City will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long as the City serves the same type of persons or persons in the same geographic area;

4. Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;

5. The City will assist homeless individuals in obtaining permanent housing, appropriate supportive services, and other Federal, State, local, and private assistance available for these individuals;

6. The City will obtain matching amounts required under 24 CFR 576.201;

7. The City has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location

of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter;

8. To the maximum extent practicable, the City will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services under the program, and in providing services for occupants of facilities assisted under the program;

9. All activities the City undertakes with assistance under the ESG are consistent with the City's consolidated plan; and

10. The City will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions of care in order to prevent this discharge from immediately resulting in homelessness for these persons.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND OTTO T RENTALS, LLC FOR THE SALE OF CITY OWNED PROPERTY FOR \$30,000 GENERALLY LOCATED AT 1515 & 1525 NORTH 15TH STREET - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance approving a Real Estate Sale Agreement between the City of Lincoln and Otto T Rentals, LLC authorizing the sale of City owned property generally located at 1515 and 1525 North 15th Street, Lincoln, Nebraska, the second time.

ANNEXATION 16006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 7.88 ACRES OF PROPERTY GENERALLY LOCATED AT 7601 PINE LAKE ROAD. (RELATED ITEMS: 16-63, ~~16-65~~ 16-64, 16R-131) - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 16014 - APPLICATION OF HIGHWAY 2 DEVELOPMENT, LLC FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 7601 PINE LAKE ROAD. (RELATED ITEMS: 16-63, 16-64, 16R-131) - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT NO. 16018 - APPLICATION OF HIGHWAY 2 DEVELOPMENT, LLC TO ALLOW THE CONSTRUCTION OF A RESIDENTIAL HEALTH CARE FACILITY FOR UP TO 120 RESIDENTS WITH AN ADJUSTMENT TO EXCEED THE MAXIMUM HEIGHT FROM 35 FEET TO 44 FEET, ON PROPERTY GENERALLY LOCATED AT 7601 PINE LAKE ROAD. (RELATED ITEMS: 16-63, 16-64, 16R-131)

APPROVING THE 48TH & HOLDREGE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 48TH STREET INVESTMENTS, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 48TH AND 49TH STREET, HOLDREGE AND AYLESWORTH FOR A NEW FIVE STORY BUILDING WITH FIRST FLOOR RETAIL AND FOUR STORIES OF RESIDENTIAL USE WITH APPROXIMATELY 98 APARTMENT UNITS. (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67)

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$1,860,000 IN TIF FUNDS FOR THE 48TH & HOLDREGE PROJECT. (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE 48TH & HOLDREGE REDEVELOPMENT PROJECT. (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67) - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance authorizing and providing for the issuance of City of Lincoln, Nebraska tax allocation bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregated principal amount not to exceed \$2,454,600 for the [purpose pf (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's 48th & Holdrege redevelopment project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest of the bonds, notes or other obligations as the same become due; limiting payment of the bonds,

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notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

STREET & ALLEY VACATION 16002 - VACATING THE NORTH-SOUTH ALLEY IN BLOCK 35 OF MILL'S SUBDIVISION OF BLOCKS 34 AND 35 TO UNIVERSITY PLACE, FROM THE NORTH LINE OF HOLDREGE STREET TO THE NORTH LINE OF THE EXISTING EAST-WEST ALLEY TO THE NORTH; AND VACATING THE EAST-WEST ALLEY IN SAID BLOCK 35, FROM THE WEST LINE OF 49TH STREET TO THE WEST LINE OF EXISTING NORTH-SOUTH ALLEY TO THE WEST. (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67) - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance vacating the north-south alley in Block 35 of Mill's Subdivision of Blocks 34 and 35 to University Place, from the north line of Holdrege Street north to the north line of the existing east-west alley in said Block 35, from the west line of 49th Street went to the west line of existing north-south alley, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 16016 - APPLICATION OF 48TH STREET DEVELOPMENT, LLC FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT, H-2 HIGHWAY DISTRICT, AND O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL BUSINESS DISTRICT; AND DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT DISTRICT, INCLUDING WAIVERS FOR STORM WATER DETENTION, BUILDING HEIGHT, SETBACKS, AND SCREENING AND LANDSCAPING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 48TH AND HOLDREGE STREETS. (RELATED ITEMS: 16R-132, 16R-133, 16-65, 16-66, 16-67) - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

AMENDING SECTION 2.62.140 OF THE LINCOLN MUNICIPAL CODE TO ELIMINATE THE 13TH CHECK ACCOUNTING POOL AND PAY 13TH CHECK BENEFITS DIRECTLY FROM THE POLICE AND FIRE PENSION - CLERK read an ordinance, introduced by Roy Christensen, an ordinance amending Chapter 2.62 of the Lincoln Municipal Code relating to cost of Living Adjustment; Initial Amounts; Annual Increases; How Funded by amending Section 2.62.140 to eliminate the 13th Check accounting pool and pay 13th Check benefits directly from the Police and Fire Pension; and repealing Section 2.62.140 as hitherto existing, the third time.

FELLERS Moved to pass ordinance as read:
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.
The ordinance, being numbered **#20343**, is recorded in Ordinance Book 31.

AMENDING SECTION 2.65.140 OF THE LINCOLN MUNICIPAL CODE TO ELIMINATE THE 13TH CHECK ACCOUNTING POOL AND PAY 13TH CHECK BENEFITS DIRECTLY FROM THE POLICE AND FIRE PENSION - CLERK read an ordinance, introduced by Roy Christensen, an ordinance amending Chapter 2.65 of the Lincoln Municipal Code relating to cost of Living Adjustment; Initial Amounts; Annual Increases; How Funded by amending Section 2.65.140 to eliminate the 13th Check accounting pool and pay 13th Check benefits directly from the Police and Fire Pension; and repealing Section 2.65.140 as hitherto existing, the third time.

FELLERS Moved to pass ordinance as read:
Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.
The ordinance, being numbered **#20344**, is recorded in Ordinance Book 31.

AMENDING SECTION 2.66.107 OF THE LINCOLN MUNICIPAL CODE TO ELIMINATE THE 13TH CHECK ACCOUNTING POOL AND PAY 13TH CHECK BENEFITS DIRECTLY FROM THE POLICE AND FIRE PENSION - CLERK read an ordinance, introduced by Roy Christensen, an ordinance amending Chapter 2.66 of the Lincoln Municipal Code relating to cost of Living Adjustment; Initial Amounts: Annual Increases; How Funded by amending Section 2.66.170 to eliminate the 13th Check accounting pool and pay 13th Check benefits directly from the Police and Fire Pension; and repealing Section 2.66.170 as hitherto existing, the third time.

ESKRIDGE Moved to pass ordinance as read:
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.
The ordinance, being numbered **#20345**, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

- REAPPOINTING CYNDI LAMM TO THE JOINT BUDGET COMMITTEE FOR A TERM EXPIRING MAY 31, 2018. *(CONSENT)*
- REAPPOINTING JANE RAYBOULD TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING MAY 31, 2017. *(CONSENT)*
- REAPPOINTING ROY CHRISTENSEN TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING MAY 31, 2017. *(CONSENT)*
- REAPPOINTING ROY CHRISTENSEN AND CYNDI LAMM TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR TERMS EXPIRING MAY 31, 2017. *(CONSENT)*
- APPOINTING JANE RAYBOULD TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR A TERM EXPIRING MAY 31, 2017. *(CONSENT)*
- APPOINTING JANE RAYBOULD TO THE CITY PERFORMANCE AUDIT COMMITTEE FOR A TERM EXPIRING MAY 31, 2017. *(CONSENT)*

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED) - NONE

OPEN MICROPHONE

Jane Svoboda, 2450 Q Street, came forward and discussed a number of issues.

ADJOURNMENT

6:44 P.M.

- CAMP Moved to adjourn the City Council Meeting of June 27, 2016.
 Seconded by Fellers & carried by the following vote; AYES: Camp, Christensen, Eskridge,
 Fellers, Lamm, Raybould; NAYS: None; ABSENT: Gaylor Baird.

Teresa Meier, City Clerk

Monet J. McCullen, Office Specialist

